

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 24927)
of Ed Pillikin and Fern Pillikin to)
Appropriate from an Unnamed Stream)
in Sacramento County)

Decision 1496

DECISION APPROVING APPLICATION

BY THE BOARD:

Ed and Fern Pillikin having filed Application 24927 for a permit to appropriate unappropriated water; a protest having been received, the applicants and protestants having stipulated to proceedings in lieu of hearing as provided for by Title 23, California Administrative Code, Section 737; an investigation having been made by the State Water Resources Control Board pursuant to said stipulation; the Board, having considered all available information, finds as follows:

Substance of Application

1. Application 24927 is for a permit to appropriate 1.13 cubic feet per second (cfs) of water by direct diversion from March 1 to December 1 of each year for irrigation and stockwatering purposes from an unnamed stream tributary to North Fork Badger Creek in Sacramento County. The point of diversion is to be located within NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 24, T6N, R6E, MDB&M.

Applicants' Project

2. The applicants hold permitted Application 22308 which allows direct diversion of 1 cfs from October 1 to July 1 to irrigate 75 acres. However, a water requirement determination on July 14, 1975, shows that 1.13 cfs is required to irrigate the place of use. The purpose of Application 24927 is to secure the right to divert and irrigate the same place of use during the balance of the irrigation season.

Protest

3. Application 24927 was protested by Galt Irrigation District (District). The District claims that the diversions may interfere with the District's possible future use of the unnamed stream as a conveyance facility for water purchased from the U. S. Bureau of Reclamation and released from the Folsom South Canal. The Board does not and cannot reserve stream channels for the exclusive use of any entity proposing future use of such channel as a conduit for conveying purchased water.

Existence of Unappropriated Water

4. There is no natural flow in the stream during the summer months. However, there is about 1.5 cfs of agricultural return flows from irrigation with wells of 1,200 acres upstream of the applicant.

5. There are no prior appropriative rights on the unnamed stream below the applicants' project which would be affected by the diversion.

6. The stream does not have hydraulic continuity with the Delta during the proposed diversion season.

7. Applicants' intended use of water is beneficial and unappropriated water is available for diversion for the period sought, subject to appropriate conditions, without causing harm to other lawful users of water.

Environmental Considerations

8. All environmental reviews necessary to comply with the California Environmental Quality Act have been completed.

Other

9. The records, documents, and other data relied upon by the Board in this matter are: Files of Applications 22308, 22176, and 24927 and all relevant information on file therewith, particularly the Engineering Staff Analysis of Record dated January 7, 1977.

ORDER

IT IS HEREBY ORDERED that Application 24927 be approved and that a permit be issued to the applicants subject to vested rights. The permit shall contain all applicable standard permit terms (Board maintains a list of standard permit terms, copies are available upon request) in addition to the following limitations:

1. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 1.13 cfs from March 1 to December 1 of each year.

2. The total amount of direct diversion under this application and permitted Application 22308 shall not exceed 1.13 cfs. The total annual appropriation shall not exceed 300 acre-feet per annum under Applications 22308 and 24927.

3. The equivalent of the continuous flow allowance for any 30-day period may be diverted in a shorter time, provided there be no interference with other vested rights.

4. During the period between July 1 and September 30, if in the absence of permittee's diversion, hydraulic continuity would exist between permittee's diversion point and the Sacramento-San Joaquin Delta, permittee shall not divert water but shall open his diversion works and allow the water to flow undiminished downstream.

5. To the extent that water available for use under this permit is return flow, imported water, or wastewater, this permit shall not be construed as giving any assurance that such supply will continue.

6. The State Water Resources Control Board reserves jurisdiction over this permit for the purpose of conforming the season of diversion to

later findings of the Board on prior applications involving water in the Sacramento River Basin and Delta. Action by the Board will be taken only after notice to interested parties and opportunity for hearing.

Dated: April 19, 1979

/s/ W. DON MAUGHAN
W. Don Maughan, Chairman

/s/ WILLIAM J. MILLER
William J. Miller, Member

/s/ L. L. MITCHELL
L. L. Mitchell, Member